

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GREG GIVENS,

Plaintiff,

v.

Civil Action No.5:08-cv-25

MAIN STREET BANK, ET AL,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS**

On January 14, 2008, Greg Givens, ["Plaintiff"], filed a complaint under 42 U.S.C. §§ 1981-1983, and an Application for Leave to Proceed in forma pauperis. On February 4, 2008, the Court Ordered Plaintiff to complete the District's new IFP form. Plaintiff filed the completed form on February 5, 2008.

Plaintiff's application reveals he is unemployed and presently cares for his ailing grandparents and disabled uncle. Plaintiff has received no income within the past twelve months and has \$5.42 in cash. He does not own any assets. His monthly expenses total \$8.00.

Accordingly, it is **ORDERED** that Plaintiff's January 14, 2008 Application to Proceed in forma pauperis is **GRANTED**, and that Plaintiff be permitted to prosecute said action to its conclusion without prepayment of costs or giving security therefor and without prepayment of United States Marshal fees, and, pursuant to Fed.R.Civ.P. 4(c)2, the United States Marshal is directed to effect service of process.

It is **ORDERED** that any recovery in the action will be subject to payment of costs and fees, including a \$350.00 filing fee and service of process fee.

The Clerk is directed to transmit copies of this Order to counsel of record herein.

IT IS SO ORDERED.

DATED: February 19, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE